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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,376	04/17/2001	David A. Jablow	Jablow 2	5786

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John E. Curtin, Esq.  
ThROUTMAN SANDERS MAYS & VALENTINE L.L.P.  
Suite 600  
1660 International Drive  
McLean, VA 22102

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,376

Applicant(s)

JABLOW, DAVID A.

Examiner

Shawki S Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on April 17, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-52 are presented for examination.

### *Claim Rejections - 35 USC §102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Klug**, U.S. Patent No. **6,591,245**.

3. As to claim 1, Klug teaches a system for providing personalized notification comprising:

a controller adapted to compare personal information (col. 5, lines 10-16, processor 118 access the media content database in order to compare and identify content that may be of interest to particular users) and

administrative information related to an event (col. 5, lines 48-56, information such as concert or other announcement releases of sound recordings etc...) and further adapted to send a personalized notification to a user concerning the event (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

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4. As to claim 6, Klug teaches the system as in claim 1 wherein the personal information comprises a preferred method of notification (col. 5, lines 48-56, the user is prompted to specify the notification criteria.)
5. As to claim 7, Klug teaches the system as in claim 1 wherein the controller is further adapted to send the notification via one of the user's preferred notification methods (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)
6. As to claims 8-11, 27-30, and 42-45, Klug teaches that the notification may be sent via e-mail, telephone number and or fax (col. 2, 34-49 and col.4, 32-43)
7. As to claim 12, Klug teaches the system as in claim 1 wherein the controller comprises a server (col. 6, line 60 – col. 7, line28.)
8. As to claim 13, Klug teaches the system as in claim 1 wherein the controller comprises an Internet server (col. 6, line 60 – col. 7, line28.)
9. As to claim 14, Klug teaches the system as in claim 1 further comprising a user database adapted to store the personal information (col. 4, lines 44-54, user information database 114 stores program preferences entered by the user.)
10. As to claim 15, Klug teaches the system as in claim 1 further comprising an administrative database adapted to store the administrative information (col. 4, lines 55-67, media content database 120 stores files of information regarding media content.)
11. As to claim 16, Klug teaches the system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller (col. 6, line 60- col. 7, line 28, network interface 2136 transmits users registration information to the network and ultimately to the notification site.)

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12. As to claim 17, Klug teaches the system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller.

13. As to claim 20, Klug teaches a method for providing personalized notification comprising:

comparing personal information and administrative information related to an event; (col. 5, lines 10-16, processor 118 access the media content database in order to compare and identify content that may be of interest to particular users) and

sending a personalized notification to a user concerning the event (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

14. As to claim 25, Klug teaches the method as in claim 20 wherein the personal information comprises a preferred method of notification (col. 5, lines 48-56, the user is prompted to specify the notification criteria.)

15. As to claim 26, Klug teaches the method as in claim 20 further comprising sending the notification via one of the user's preferred notification methods (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

16. As to claim 31, Klug teaches the method as in claim 20 further comprising storing the personal information (col. 4, lines 44-54, user information database 114 stores program preferences entered by the user.)

17. As to claim 32 Klug teaches the method as in claim 20 further comprising storing the administrative information (col. 4, lines 55-67, media content database 120 stores files of information regarding media content.)

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18. As to claim 35, Klug teaches a programmed medium adapted to compare personal information and administrative information related to an event (col. 5, lines 10-16, processor 118 access the media content database in order to compare and identify content that may be of interest to particular users) and further adapted to send a personalized notification to a user concerning the event (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

19. As to claim 40, Klug teaches the programmed medium as in claim 35 wherein the personal information comprises a preferred method of notification (col. 5, lines 48-56, the user is prompted to specify the notification criteria.)

20. As to claim 41, Klug teaches the programmed medium as in claim 35 further adapted to send the notification via one of the user's preferred notification methods (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

21. As to claim 46, Klug teaches the programmed medium as in claim 35 further adapted to store the personal information (col. 4, lines 44-54, user information database 114 stores program preferences entered by the user.)

22. As to claim 47, Klug teaches the programmed medium as in claim 35 further adapted to store the administrative information (col. 4, lines 55-67, media content database 120 stores files of information regarding media content.)

23. As to claims 50, 51, and 52 Klug teaches the programmed medium as in claim 35 wherein the medium comprises a disk or other medium (col.5, lines 17-28, other medium which may include a CD, a magnetic storage device or a digital storage device.)

***Claim Rejections - 35 USC §103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 2, 18-19, 21, 33-34, 36, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Klug**, U.S. Patent No. **6,591,245** and further in view of **Thomas**, U.S. Patent Application Publication No. **US 2001/0036853**.

26. As to claims 2, 21 and 36 Klug teaches the system where providing personalized notification comprises:

a controller adapted to compare personal information (col. 5, lines 10-16, processor 118 access the media content database in order to compare and identify content that may be of interest to particular users) and

administrative information related to an event (col. 5, lines 48-56, information such as concert or other announcement releases of sound recordings etc...) and further adapted to send a personalized notification to a user concerning the event (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

Klug does not explicitly teach wherein the event is a lottery. However Thomas teaches an interactive wagering system which allows a user to participate in a lottery event and have personal notification as to the results of the lottery ([0007,0008,0117]).



It would have been obvious to one of ordinary skill in the art at the time that the invention was made to apply personal notification to handle lottery events because doing so will provide rapid results to the winner and give the user added convenience in that it will eliminate the hassle of going out and buying a newspaper or calling a toll-free number or watching TV to obtain the results and prize information.

27. Claims 18-19, 33-34, and 48-49 essentially contain the same limitation of wherein the event is a lottery event and all information associated with that event consist of a lottery number as in claim 2, 21, and 36; therefore, they are rejected under the same reasons as applied above.

28. As to claim 18, 33, and 48 Klug teaches the system as in claim 1 wherein a registration site contains personal information about the user which is used to identify potential interests among the different users and include program preferences entered by the user that the user wants to receive notification on (col. 5, lines 29-56.)

29. As to claim 19, 34, and 49 Klug teaches the system as in claim 1 wherein the administrative information comprises a notification based on user input parameters (col.5, lines 57-67.)

30. Claims 3-5, 22-24, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Klug**, U.S. Patent No. **6,591,245**.

31. As to claim 3-5, 22-24, and 37-39 Klug teaches the system where providing personalized notification comprises:

a controller adapted to compare personal information (col. 5, lines 10-16, processor 118 access the media content database in order to compare and identify content that may be of interest to particular users) and

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administrative information related to an event (col. 5, lines 48-56, information such as concert or other announcement releases of sound recordings etc...) and further adapted to send a personalized notification to a user concerning the event (col. 5, lines 57-67, the user will receive notification of media content of potential interest.)

Klug does not explicitly teach wherein the event is a "sport or entertainment, educational or an exam". Official Notice is taken that one of the ordinary skill in the art at the time of the invention would modify Klug so that notification can apply to any event whether it is sport or entertainment, educational or an exam, because doing so will give the user access to the information at a faster rate as well as add convenience to the user that he or she will be kept up to date on the information that is important to them.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 703-605-4362. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-306-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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Shawki Ismail  
Patent Examiner  
July 26, 2004

  
HOSAIN ALAM  
PATENT EXAMINER